

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

UNITED STATES ex rel. STROM,

No. C05-3004 CRB (JSC)

Plaintiffs,

**ORDER RE: SEPTEMBER 15, 2011
AND SEPTEMBER 17, 2011 JOINT
LETTERS**

v.

SCIOS, INC. and JOHNSON & JOHNSON,

Defendants.

Now pending before the Court are the parties' joint letters of September 15, 2011 and September 17, 2011. After carefully considering the parties' positions, the Court rules as set forth below.

A. September 15, 2011 Joint Letter

Defendants have withheld from production on attorney-client privilege grounds an email chain relating to a third party's complaint regarding the promotion of Natreacor. At the parties' request the Court has reviewed the withheld emails in their entirety *in camera* and finds that they do not involve communications seeking legal advice and thus must be produced. See United States v. Graf, 610 F.3d 1148, 1156 (9th Cir. 2010). The copying of the email to in-house counsel does not mean the email necessarily involved the seeking of legal advice. See United States v. ChevronTexaco Corp., 241 F.Supp.2d 1065, 1075 (N.D. Cal. 2002).

B. September 17, 2011 Letter

IT IS SO ORDERED.

JACQUELINE SCOTT CORLEY
UNITED STATES MAGISTRATE JUDGE